



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Ordinance No. 1839 Entitled, "An Ordinance of the Lodi City Council Amending Title 15 – Buildings and Construction – by Adding Chapter 15.18, Adopting the '2010 California Green Building Standard Code'"

**MEETING DATE:** November 17, 2010

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1839.

**BACKGROUND INFORMATION:** Ordinance No. 1839 entitled, "An Ordinance of the Lodi City Council Amending Title 15 – Buildings and Construction – by Adding Chapter 15.18, Adopting the '2010 California Green Building Standard Code,'" was introduced at the regular City Council meeting of November 3, 2010.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. *Cal Gov't Code § 36934.*

Ordinances take effect 30 days after their final passage. *Cal. Gov't Code § 36937.*

This ordinance has been approved as to form by the City Attorney.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

A handwritten signature in black ink, appearing to read "Randi Juhl".

Randi Juhl

City Clerk

RJ/JMR

Attachments

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APPROVED:

A handwritten signature in black ink, appearing to read "Konrad Bartlam".

Konrad Bartlam, Interim City Manager

ORDINANCE NO. 1839

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING  
TITLE 15 – BUILDINGS AND CONSTRUCTION – BY ADDING  
CHAPTER 15.18, ADOPTING THE “2010 CALIFORNIA GREEN  
BUILDING STANDARD CODE”

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 15 – Buildings and Construction – is hereby amended by adding Chapter 15.18, adopting the “2010 California Green Building Standard Code” to read as follows:

Chapter 15.18

Green Building Code

15.18.010 Adoption.

The provisions set forth in the 2010 California Green Building Standard Code is hereby adopted as the Green Building Code of the City of Lodi and a copy of the same is maintained by the City Building Official and available for review in the Community Development Department. The Green Building Code of the City of Lodi shall apply to the planning, design, operations, construction, use, and occupancy of every newly constructed building or structure requiring a Building Permit in the City of Lodi, California.

Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

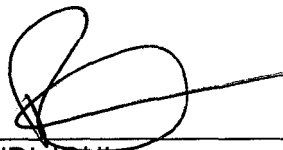
Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the “Lodi News Sentinel,” a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, 2011, which date is at least 30 days after the passage of this ordinance.

Approved this 17<sup>th</sup> day of November, 2010

  
PHIL KATZAKIAN  
Mayor

Attest:

  
\_\_\_\_\_  
RANDI JOHL  
City Clerk

State of California  
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1839 was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 17, 2010, by the following vote:

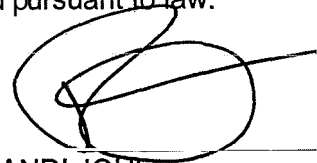
AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and Mayor Katzakian

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

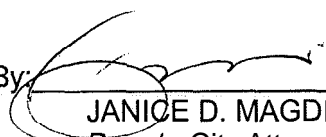
ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1839 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
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RANDI JOHL  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney, City of Lodi

By:   
\_\_\_\_\_  
JANICE D. MAGDICH  
Deputy City Attorney